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HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:5908 of 2001

DATED:12-06-2006

Between:

Smt.S.Kalyani

..... PETITIONER

AND

1. State of A.P., rep.by its Secretary to the Government, Education Department, Secretariat, Saifabad, Hyderabad and 2 others.

.....RESPONDENTS

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ORAL ORDER:

Heard Sri D.V.Sitaram Murthy, learned counsel for the petitioner, Learned Government Pleader for Higher Education and Sri G.Vidya Sagar, learned counsel for the third respondent-college.

2. The short question, which arises for consideration in this writ petition, is as to whether the petitioner is entitled to have her services regularized in an

aided post in accordance with G.O.Ms.No.328 dated 15-10-1997.

3. While the petitioner would contend that since she was appointed as a Junior Lecturer in November, 1988 in a clear aided vacancy caused due to the promotion of one Mr.S.Prakash Rao, and that the petitioner had put in 24 hours per week thereafter and to have satisfied all the conditions prescribed in G.O.Ms.No.328 dated 15-10-1997, the respondents in their counter-affidavit would state that the petitioner had not complied with the conditions prescribed in G.O.Ms.No.328 dated 15-10-1997 as she had been appointed in 1998 i.e., after the G.O. was issued and was therefore not entitled for regularization of her services under G.O.Ms.No.328 dated 15-10-1997.

4. Both Sri D.V.Sitaram Murthy, learned counsel for the petitioner, and Sri G.Vidya Sagar, learned counsel for the third respondent, would submit that the petitioner had, in fact, been appointed as a Junior Lecturer in November, 1988 and not in the year 1998 as erroneously contended by the respondents.

5. It is however unnecessary for this Court to enter into this controversy or to examine whether the petitioner had, in fact, been appointed as a Junior Lecturer in 1988 as contended by the petitioner and as reiterated by the third respondent-management or in 1998 as contended by the respondents herein, since the fact remains that though the petitioner's claim for regularization, in accordance with G.O.Ms.No.328 dated 15-10-1997, is disputed in the counter-affidavit, the respondents have not passed any orders on the proposals submitted by the third respondent college in this regard.

6. The writ petition is therefore disposed of directing the second respondent to pass appropriate orders on the proposals submitted by the third respondent-college seeking regularization of the services of the petitioner, in accordance with the rules more particularly G.O.Ms.No.328 dated 15-10-1997,

within a period of three months from the date of receipt of a copy of this order. It is open to the petitioner and the third respondent to furnish all such particulars as may be required in support of their contention that the petitioner herein is entitled for regularization in accordance with G.O.Ms.No.328 dated15-10-1997 and in case these details are furnished within one month from the date of receipt of a copy of this order the second respondent shall take such information also into consideration before passing final orders in accordance with the rules. No order as to costs.

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12th June, 2006

SKM